

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION-CLEVELAND**

JASON JOHNSON)	
1826 Red Bird Rd)	
Madison, Ohio 44057)	
)	
Plaintiff,)	No.1:13-cv-1396
)	
vs.)	
)	
COMMERCIAL RECOVERY)	
SYSTEMS, INC)	VERIFIED CIVIL COMPLAINT
8035 East R L. Thornton)	(Unlawful Debt Collection Practices)
Dallas, Texas 75357)	
)	
Defendant.)	

VERIFIED COMPLAINT

JASON JOHNSON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against COMMERCIAL RECOVERY SYSTEMS, INC., (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in the City of Madison, Ohio.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff's brother allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and sought to collect a consumer debt from Plaintiff and/or Plaintiff's brother.
8. Defendant is a debt collection corporation a business office in Dallas, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. In or around January or February of 2013, Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged personal debt owed by Plaintiff's brother.
11. Upon information and belief, Plaintiff's does not owe the debt Defendant is attempting to collect.
12. Defendant calls Plaintiff at telephone number 440-428-49XX.
13. Defendant would call every day approximately, and on some occasions would call more than once per day.
14. Plaintiff advised Defendant numerous times that Plaintiff does not owe the debt Defendant is trying to collect.
15. Despite being informed that Plaintiff does not owe the alleged debt Defendant is trying to

collect, Defendant still continues to contact Plaintiff.

16. Defendant advised Plaintiff that Defendant would continue to contact Plaintiff unless Plaintiff's brother contacted Defendant.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Actual damages to compensate Plaintiff for his mental anguish, emotional distress, anxiety, inconvenience, and the disruption of his day caused by Defendants in an amount to be determined by the trier of fact pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692;
19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ David Tannehill

David Tannehill

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